

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

| | | |
|-------------------------------------|---|-------------------------------|
| UNITED STATES OF AMERICA, |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | Civil Action No. 04-12582-RCL |
| |) | |
| 301 ADAMS STREET, QUINCY, |) | |
| MASSACHUSETTS; 1548-1558 |) | |
| DORCHESTER AVENUE, DORCHESTER, |) | |
| MASSACHUSETTS; FIVE (5) CERTAIN |) | |
| PARCELS OF LAND WITH THE |) | |
| BUILDINGS(S) THEREON IN BROCKTON |) | |
| PLYMOUTH COUNTY, MASSACHUSETTS, |) | |
| COMMONLY KNOWN AS 11 ROSSETER |) | |
| STREET, 16 ROSSETER STREET, |) | |
| 213-223 NORTH MAIN STREET, 204 |) | |
| NORTH MONTELLO STREET, AND 227 |) | |
| NORTH MAIN STREET, INCLUDING ALL |) | |
| APPURTENANCES AND IMPROVEMENTS |) | |
| THEREON; \$67,561.88 IN UNITED |) | |
| STATES CURRENCY; and \$26,776.42 IN |) | |
| UNITED STATES CURRENCY, SEIZED |) | |
| FROM ASIAN AMERICAN BANK CHECKING |) | |
| ACCOUNT NUMBER 310029269, |) | |
| Defendants. |) | |

UNITED STATES' MOTION FOR RELEASE OF *LIS PENDENS*

The United States of America, by its attorney, Michael J. Sullivan, United States Attorney for the District of Massachusetts, hereby moves that this Court authorize the United States to release the Lis Pendens which has been recorded at the Norfolk County Land Court on the following real property, described as:

the real property and buildings located at 301 Adams Street, Quincy, Massachusetts, having a deed recorded at the Norfolk County Land Court as Document No. 1025853, noted on Certificate of Title No. 167544 ("301 Adams Street"), currently owned by Tina Le.

As grounds for this motion, the United States submits that

the United States of America, by its attorney, and Claimants Tina Le, Steven A. Rubin, Aurora Loan Services, and Greenpoint Mortgage Funding, Inc., by their respective attorneys (collectively, the "Parties"), have jointly moved that this Court enter an Order permitting the interlocutory sales of the 301 Adams Street property, and the other Defendant Real Properties involved in this instant civil forfeiture matter, and the District Court endorsed the Order for Interlocutory Sales of the 301 Adams Street property, and the other Defendant Real Properties, on March 21, 2006 (see Document No. 41). The Parties agree that the 301 Adams Street property should now be sold, and the net proceeds from the sale of the 301 Adams Street property shall become the substitute res for the 301 Adams Street property, and shall be held by the United States Marshals Service, in its Seized Assets Deposit Fund, pending the conclusion of this case and the related criminal case, United States v. Tina Le, et al., Criminal Action No. 05-10277-PBS.

WHEREFORE, the United States requests that the Court authorize the release of the Lis Pendens for the 301 Adams Street property issued in this instant case. A proposed Release of Lis Pendens is submitted herewith for consideration by the Court.

Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney

By: /s/ Kristina E. Barclay
KRISTINA E. BARCLAY
Assistant U.S. Attorney
1 Courthouse Way, Suite 9200
Boston, MA 02210
(617) 748-3100

Date: March 26, 2007

CERTIFICATE OF SERVICE

This is to certify that the foregoing United States' Motion for Release of Lis Pendens, and the proposed Release of Lis Pendens, filed through the Electronic Case Filing system, will be sent electronically to the registered participants as identified on the Notice of Electronic Filing.

/s/ Kristina E. Barclay
Kristina E. Barclay
Assistant U.S. Attorney

Date: March 26, 2007

N:\LTalbot\Barclay\Tina Le\Civil Case\Motion for Release of Lis Pendens (301 Adams).wpd

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

| | | |
|----------------------------------|---|----------------------------------|
| UNITED STATES OF AMERICA, |) | |
| Plaintiff, |) | |
| |) | Civil Action No. 04-12582-RCL |
| v. |) | |
| |) | |
| 301 ADAMS STREET, QUINCY, |) | <u>Record Owner:</u> |
| MASSACHUSETTS; 1548-1558 |) | Tina Le |
| DORCHESTER AVENUE, DORCHESTER, |) | |
| MASSACHUSETTS; and FIVE (5) |) | <u>Property:</u> |
| CERTAIN PARCELS OF LAND WITH THE |) | 301 Adams Street |
| BUILDINGS(S) THEREON IN BROCKTON |) | Quincy, Massachusetts |
| PLYMOUTH COUNTY, MASSACHUSETTS, |) | |
| COMMONLY KNOWN AS 11 ROSSETER |) | <u>Norfolk County Land Court</u> |
| STREET, 16 ROSSETER STREET, |) | Document No. 1025853, |
| 213-223 NORTH MAIN STREET, 204 |) | noted on Certificate |
| NORTH MONTELLO STREET, AND 227 |) | of Title No. 167544 |
| NORTH MAIN STREET, INCLUDING ALL |) | |
| APPURTENANCES AND IMPROVEMENTS |) | |
| THEREON, |) | |
| Defendants. |) | |

RELEASE OF LIS PENDENS

TO ALL WHOM IT MAY CONCERN:


PLEASE TAKE NOTICE that the United States of America, by its attorney, Michael J. Sullivan, United States Attorney for the District of Massachusetts, hereby releases the Lis Pendens against the real property and buildings located at 301 Adams Street, Quincy, Massachusetts ("301 Adams"). For title to 301 Adams, see Document No. 1025853, noted on Certificate of Title No. 167544, which is recorded at the Norfolk County Land Court, reflecting the conveyance of the property by Quitclaim Deed on May 18, 2004.

This Release is made by agreement of the parties.

The Lis Pendens was recorded on December 16, 2004, at the Norfolk County Land Court, a copy of which is attached.

Signed under the pains and penalties of perjury this 26th day of March, 2007.

MICHAEL J. SULLIVAN
United States Attorney

By: 
KRISTINA E. BARCLAY
Assistant U.S. Attorney
1 Courthouse Way, Suite 9200
Boston, MA 02210
(617) 748-3100

COMMONWEALTH OF MASSACHUSETTS

Suffolk, ss.

Boston

Then personally appeared the above named Kristina E. Barclay, Assistant United States Attorney, and acknowledged the foregoing to be true to the best of her knowledge, information, and belief, and to be her free act and deed on behalf of the United States of America.

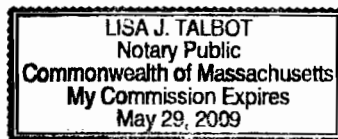
Subscribed to and sworn before me this 26th day of March, 2007.


Notary Public
My commission expires: 5/29/09

SO ORDERED AND ENDORSED:

REGINALD C. LINDSAY
United States District Court Judge

Dated: _____



Doc:1,048,978 12-16-2004 9:53
Norfolk County Land Court

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,
Plaintiff,

v.

301 ADAMS STREET, QUINCY,
MASSACHUSETTS; 1548-1558
DORCHESTER AVENUE, DORCHESTER,
MASSACHUSETTS; and FIVE (5)
CERTAIN PARCELS OF LAND WITH THE
BUILDINGS(S) THEREON IN BROCKTON
PLYMOUTH COUNTY, MASSACHUSETTS,
COMMONLY KNOWN AS 11 ROSSETER
STREET, 16 ROSSETER STREET,
213-223 NORTH MAIN STREET, 204
NORTH MONTELLO STREET, AND 227
NORTH MAIN STREET, INCLUDING ALL
APPURTENANCES AND IMPROVEMENTS
THEREON,

Defendants.

FILED EX PARTE AND UNDER SEAL

Civil Action No.

04-12582 RCL

Record Owner:

Tina Le

Property:

301 Adams Street
Quincy, Massachusetts

Norfolk County Land Court

Document No. 1025853,
noted on Certificate
of Title No. 167544

I HEREBY ATTEST AND CERTIFY ON 12/15/04
THAT THE FOREGOING DOCUMENT IS A FULL, TRUE
AND CORRECT COPY OF THE ORIGINAL ON FILE
IN MY OFFICE AND IN MY LEGAL CUSTODY.

TONY ANASTAS

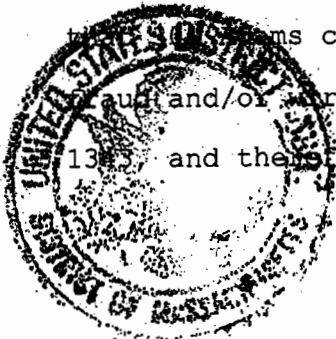
CLERK, U.S. DISTRICT COURT
DISTRICT OF MASSACHUSETTS

BY: Don Stanlogie

LIS PENDENS

TO ALL WHOM IT MAY CONCERN:

PLEASE TAKE NOTICE that the United States of America, by its attorney, Michael J. Sullivan, United States Attorney for the District of Massachusetts, has caused a Verified Complaint for Forfeiture in Rem to be filed against the real property and buildings located at 301 Adams Street, Quincy, Massachusetts, having a deed recorded at the Norfolk County Land Court as Document No. 1025853, noted on Certificate of Title No. 167544, currently owned by Tina Le ("301 Adams"). The Complaint alleges that the same constitutes or is derived from, proceeds of mail fraud and/or wire fraud, in violation of 18 U.S.C. §§ 1341 and/or 1343, and therefore is subject to forfeiture pursuant to 18



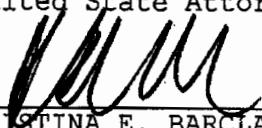
U.S.C. § 981(a)(1)(C). In addition, the Complaint further alleges that 301 Adams was involved in transactions or attempted transactions in violation of 18 U.S.C. §§ 1956 and/or 1957, and therefore is subject to forfeiture pursuant to 18 U.S.C. § 981(a)(1)(A).

For title to 301 Adams, see Document No. 1025853, noted on Certificate of Title No. 167544, which is recorded at the Norfolk County Land Court, reflecting the conveyance of the property by Quitclaim Deed on May 18, 2004.

Respectfully submitted,

MICHAEL J. SULLIVAN
United State Attorney

By:


KRISTINA E. BARCLAY
Assistant U.S. Attorney
Suite 9200
1 Courthouse Way
Boston, MA 02210
(617) 748-3100

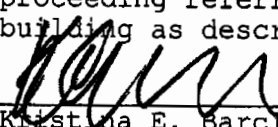
Dated: December 9, 2004

COMMONWEALTH OF MASSACHUSETTS

Suffolk, ss.

OATH

The undersigned Kristina E. Barclay, Assistant United States Attorney, on her oath declares that the proceeding referred to above affects the title to the land and building as described above.


Kristina E. Barclay
Assistant U.S. Attorney

Dated: December 9, 2004

Then personally appeared the above-named Kristina E. Barclay, Assistant United States Attorney, and acknowledge the foregoing to be true to the best of her knowledge, information and belief, and to be her free act and deed on behalf of the United States of America.

Subscribed to and sworn before this 9 day of December, 2004.



Kay Beth Whitten
NOTARY PUBLIC
My Commission expires:

May 15, 2009

The above-captioned action constitutes a claim of right to title to real property or the use and occupation thereof or the building thereon.

SO ORDERED AND ENDORSED:

[Signature]
United States District Judge

Date: 12/15/04